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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/288,229	04/08/1999	CHARLES T. FERGUSON	2479.1012000	7202

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EXAMINER

GESESSE, TILAHUN

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 09/03/2003

17

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/288,229

Applicant(s)

FERGUSON ET AL.

Examiner

Tilahun B Gesesse

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) 13-35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 36-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 14.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. The petition filed 4/23/03 to withdrawal holding of abandonment for failure to respond for office action has been granted. The supplementary amendment has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-12 and 36-43 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al (6,438,119) "Kim" in view of Jawanda (6,243,581).

As to claims 1,36 Kim disclose a method for accessing data from a network via a wireless communication link (fig.4), the method comprising the steps of: at a subscriber transceiver (MS) in an idle mode (hold state) when no channels are allocated for sending payload data (DMCH) request (DSCH) (413), the payload data intended to be transmitted over the wireless communication link (column 10 lines 4-11 and fig.4). Kim also discloses in response to detecting a presence of the payload data "message" (see fig.2B), requesting use of a first traffic channel by sending a traffic channel allocation request message (411 of fig.4), the first traffic channel including at least one traffic channel that the subscriber transceiver uses to transmit the payload data over the wireless communication link to a base station transceiver (column 10, lines 29-41 and fig.4) and transmitting the payload data over the first set of traffic channels to the base

station transceiver(in active state supplemental cahnnel release response -DMCH (425) (column 10, lines 30-41 and figure 4). Kim does not expressly disclose the mobile station interfaces a computer device. However, Jawanda, with similar field of endeavor, discloses a mobile terminal that interfaces with network and establishes a communication by requesting a connection with base station (30) (col. 4 lines 31-60 and figures 1 and 4). Since, Kim requests traffic channel in order to transmit payload data to base station, therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Kim interfacing a computer , as taught by Jawanda, in order to solve efficiently manage bandwidth of the network as taught by Jawanda.

.As to claims 2,7,37, Kim discloses the payload data is transmitted via code division multiple Access modulated radio signals (column 2 lines 48-61).

As to claim 3,39 Kim discloses transmitting a message to release the first set of traffic channels after the payload data is transmitted (figure 4, the MS release supplemental channel request then the BS releases the payload).

As to claim 4,8 Kim disclose receiving an assignment of a second set of traffic channels, the second set of traffic channels including at least one traffic channel (before the T active expires the mobile station requests set of traffic channels, see 423 of fig.4) and receiving payload data over the second set of traffic channels (see 425 of fig.4).

As to claim 5, Kim discloses the first set of traffic channel is released based upon a request message from the subscriber transceiver (column 10, lines 35-41).

As to claim 6, Kim discloses all the limitation for the same reason as explained in claim 1.

As to claims 9-11, Kim discloses receiving a request for additional traffic channels and the sending an assignment of a second set of traffic channels is achieved by sending the message on a forward control or non-traffic channel (the exchange of request at an idle (hold state) is repeated, column 10, lines 42-60 and figure 4).

As to claim 12, Kim discloses the request for additional traffic channels includes information including a number of channels needed (supplemental channel request and reverse supplemental channel assignment , indicates that additional traffic channel s to a conventional channel request is placed, figure 4).

As to claim 38, Kim discloses the target transceiver (BS), transmitting a message to the subscriber transceiver indicating that traffic channels are being de-allocated (NACK/ACK message exchanges between the mobile and base station , NACK-
~~negative~~ acknowledge "de-allocated" , column 10 lines 60-68).

As to claims 41-43,49, Kim discloses low-bandwidth timing signals are transmitted from the subscriber transceiver to the target transceiver when the subscriber transceiver is in the idle mode (the control channels are considered as low-bandwidth timing signals as shown by figure 4)..

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 44-48 are rejected under 35 U.S.C. 102(e) as being anticipated by Kim et al "Kim".

As to claim 44, Kim discloses a method supporting communication of information over a wireless link,(fig.4) transmitting a data payload over the wireless link from a subscriber transceiver to a base station transceiver using assigned traffic cahnnels (423, supplemental cahnnels release requested) (column 10, lines 30-38 and figure 4) at the subscriber transceiver, detecting that the data payload has been transmitted to the base station transceiver (upon detecting data payload the mobile staion switch from hold state to active state, column 10, lines19-27), and transmitting a message from the subscriber transceiver to the base station transceiver indicating a request that previously assigned traffic channels be de-allocated (column 10, lines 60-68, ack. message is transmitted by mobile station to base station, for the base station) .

As to claim 45, Kim discloses a release of traffic channels results in a subscriber transceiver being placed in an idle mode in which no traffic channels are assigned for

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use (in hold state requested supplemental channel (413) and supplemental channel release request (423)"traffic" subsequently the base station release supplemental channel which includes payload data and figure 4).

As to claim 46, Kim discloses at the subscriber transceiver, detecting that the data payload is transmitted to the base station transceiver (supplemental channel release response (425) (figure 4) and from the subscriber transceiver, sending a request to release previously assigned traffic channels (423) (see figure 4).

As to claim 47, Kim discloses in response to request to release previously assigned traffic channels, transmitting a message from the base station transceiver to the subscriber transceiver that traffic channels are being de-allocated for use (mobile station and base station exchange acknowledge signal to base station, column 10, 60-68).

As to claim 48, Kim discloses all the limitations as explained in the method claim 44, and further more, Kim discloses means (511) for storing at least part of a data payload at a subscriber transceiver for transmission over the wireless link to a base station transceiver when no traffic channels are assigned for use (column 11, lines 11-25).

Response to Arguments

7. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

I et al (5,734,646) disclose access request from the mobile station contains the data rate requested and the burst length requested the maximum burst length that may be requested by mobile is specified by the system (column 7, lines 31-51 and figure 4).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tilahun B Gesesse whose telephone number is 703-308-5873. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

Tilahun Gesesse
Patent Examiner
Tech. Group : 2600

August 22, 2003

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Tilahun Belay
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TILAHUN GESESSE
PATENT EXAMINER